IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 32417 of 2004(H)

PETITIONER:

ALIAS, S/O. UTHUP,
AGED 52, RESIDING AT KOORAN HOUSE,
THURAVOOR P.O., ANGAMALY.

BY ADV. SRI.K.N.ABHILASH

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR,
REVENUE RECOVERY, ALUVA.

2. VILLAGE OFFICER,
THURAVOOR VILLAGE, ALUVA.

BY G.P. SMT. REMANI T.B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF NOTICE UNDER SECTION 446 BY ACJM ERNAKULAM AGAINST THE PETITIONER.

EXT.P2 TRUE COPY OF RR DEMAND NOTICE ISSUED TO PETITIONER DATED 18.9.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 32417 OF 2004

Dated this the 29th day of November, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of fine imposed by the Magistrate after forfeiting bail bond executed by the petitioner. Since appeal is maintainable against the order imposing fine, it is for the petitioner to collect the order from the concerned Magistrate and file appeal to the Sessions Court. Therefore the challenge against demand of penalty is rejected. However, if the petitioner has complied with the interim order dated 5.11.2004 and remitted Rs. 5,000/-, petitioner is granted time till 25.3.2008 to clear balance arrears. If the petitioner has not complied with the interim order dated 5.11.2004, and failed to remit Rs. 5,000/- respondents are free to proceed for recovery of the entire arrears immediately.

W.P. is dismissed with the above observations.

(C.N. RAMACHANDRAN NAIR)
Judge